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EXTRAORDINARY

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PART II—Section 3—Sub-section (1)

प्रारंभिकार से प्रकाशित

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इस भाग में विभिन्न पृष्ठ संलग्न की जाती हैं जिससे एक वह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 23rd December 1977

G.S.R. 771 (E).—In exercise of the powers conferred by the proviso to article 309 of the Constitution and of all other powers enabling him in this behalf, the President hereby makes the following rules, namely:—

PART I — GENERAL

1. *Short title and commencement.*—(1) These rules may be called the Mizoram Civil Service Rules, 1977.

(2) They shall come into force on the date of their publication in the official Gazette.

2. *Definitions.*—(1) In these rules, unless the context otherwise requires—

- (a) 'Administrator' means the Administrator appointed under article 239 of the Constitution for the Union Territory of Mizoram;
- (b) 'Board' means the Board specified in rule 6 of these rules;
- (c) 'duty post' means any post specified in Schedule I and includes a temporary post carrying the same designation as any of the posts specified in that Schedule and the scale of pay of which is identical to that attached to Grade II of the service and, any other temporary post declared as duty post by the Administrator;

(d) 'member of the Service' means a person appointed in a substantive capacity to either grade of the service and includes a person appointed on probation to Grade II of the Service ;

(e) 'Schedule' means a Schedule appended to these rules,

(f) 'Service' means the Mizoram Civil Service ;

(g) The expressions 'Scheduled Castes' and 'Scheduled Tribes' shall have the same meaning as are assigned to them by clauses (24) and (25) respectively of article 366 of the Constitution

3. *Constitution of service and its classification.*—(1) There shall be constituted a Central Civil Service to be known as the Mizoram Civil Service.

(2) The Service shall have two grades, namely,—

(i) Grade I (Selection Grade) ; and (ii) Grade II.

(3) The posts in Grade I (Selection Grade) shall be Central Civil Posts, Group A, Gazetted, and those in Grade II shall be Central Civil Posts, Group B, Gazetted.

PART II—AUTHORISED PERMANENT STRENGTH OF THE SERVICE

4. *Strength of the Service.*—(1) The authorised permanent strength of the service and the posts included therein shall be as specified in Schedule I.

(2) The number of posts in the selection grade of the Service shall be 10 per centum of the authorised permanent strength of the service.

(3) The Central Government or the Administrator subject to such conditions and limitations as may be specified by the Central Government, may by order, create duty posts for such period as may be specified therein.

PART III—METHOD OF RECRUITMENT

5. *Method of recruitment.*—(1) Save as provided in rule 15, appointments to the service shall be made by the following methods, namely:—

(a) 50% per centum of the substantive vacancies which occur from time to time in the authorised permanent strength of the Service shall be filled by direct recruitment in the manner specified in Part IV of these rules; and

(b) the remaining such substantive vacancies shall be filled by selection in the manner specified in Part V of these rules from amongst—

- (i) officers who hold substantively any of the posts mentioned in schedule II, and
- (ii) officers who may be considered for appointment to the service at its initial constitution, though not actually appointed thereto under rule 16 and who at the commencement of these rules, hold substantively and continue to hold—

- (a) any of the posts specified in Schedule I as it stood at such commencement, or
- (b) any of the posts under the Government of Mizoram carrying the same designation as any of the post specified in Schedule I :

Provided that nothing in this rule shall preclude the Administrator from holding a vacancy in abeyance, or filling it on an officiating basis in accordance with the provisions in Part VIII of these rules.

6. *Constitution of Board*—Recruitment under sub-rule (1) of the rule 5 shall be made on the recommendations of a Selection Board (hereinafter referred to as the Board) consisting of—

- (i) an officer in the Ministry of Home Affairs *not* below the rank of Joint Secretary to the Government of India ;
- (ii) a nominee of the Ministry of Home Affairs in the Scheduled Castes and Scheduled Tribes Division not below the rank of Deputy Secretary to the Government of India; and
- (iii) Chief Secretary, Government of Mizoram.

PART IV—DIRECT RECRUITMENT

7. *Competitive examination*—(1) A competitive examination for direct recruitment to the Service shall be held at such intervals as the Administrator may, in consultation with the Board from time to time, determine. The dates on which and the places at which the examination shall be held shall be fixed by the Board.

(2) The qualification for admission to the examination and the conduct thereof shall be in accordance with such regulations as the Administrator may, from time to time, issue in this behalf in consultation with the Board.

8. *Decision of the Board to be final*—The decision of the Board as to the eligibility or otherwise of a candidate for admission to the examination shall be final and no candidate to whom a certificate of admission has not been issued by the Board shall be admitted to the examination.

9. *Board to forward a list of qualified candidates*.—(1) Subject to the provision of sub-rule (2) the Board shall forward to the Administrator a list arranged in order of merit of the candidates who have qualified by such standards as the Board may determine.

(2) The candidates belonging to the Scheduled Castes or the Scheduled Tribes may, the extent the number of vacancies reserved for the Scheduled Castes and the Scheduled Tribes cannot be filled on the basis of the general standard, be recommended by the Board by a relaxed standard to make up the deficiency in the reserved quota, subject to the fitness of these candidates for selection to the service, irrespective of their ranks in the order of merit at the examination.

10. *Physical fitness*.—No candidate shall be appointed to the Service unless he is declared after such medical examination as the Administrator may prescribe, to be in good mental and bodily health and free from any mental or physical defect likely to interfere with the discharge of the duties of the service.

11. *Inclusion in the list confers no right to appointment*—The inclusion of a candidate's name in the list referred to in rule 9 confers no right to appointment unless the Administrator is satisfied, after such enquiry as may be considered necessary, that the candidate having regard to his character and antecedents is suitable in all respect for appointment to the Service.

Provided that where a candidate whose name is included in the list, is not appointed to the Service, the reasons for the same shall be recorded in writing, by the Administrator.

12. *Order of appointment of candidates in the list*—Subject to the provisions of these rules, the candidates included in the list referred to in rule 9 shall be appointed to the Service in the order of merit.

PART V—RECRUITMENT BY SELECTION

13. *Conditions of eligibility and procedure for selection*.—(1) The Board shall consider from time to time the cases of officers eligible under clause (b) of sub-rule (1) of rule 5, who have served in the respective cadres or posts, as the case may be, for not less than two years and prepare a list of officers recommended taking into account the actual vacancies at the time of selection and those likely to occur during a year. The selection for inclusion in the list shall be based on merit with due regard to seniority.

(2) The names of persons included in the list shall be arranged in order of merit.

(3) The list so prepared shall be forwarded by the Board to the Administrator.

14. *Appointment to Service*.—Appointment to the Service shall be made in the order of merit in the list referred to in sub-rule (2) of rule 13 with due regard to the proportion specified in rule 5.

PART VI—INITIAL CONSTITUTION OF SERVICE

15. *Initial appointment of persons to the Service*.—(1) The Administrator may, at the commencement of these rules, appoint to the service any person who at such commencement is holding any of the posts specified in Schedule I.

Provided that the appointment to the Service of those officers who belong to or are on deputation from a service or post under the Central Government or a State Government shall be made with their consent and the concurrence of the Department or Government, as the case may be, to which they belong.

Explanation.—For the purpose of this sub-rule a person who would have held a post mentioned in Schedule I but for his being on leave on foreign service or held for his temporary or officiating appointment to an equivalent or higher post shall be deemed to be holding such a post.

(2) (i) For the purpose of appointment of persons referred to in the sub-rule (1), the Administrator may require the Board to make a preliminary selection from among the officers referred to in that sub-rule of such of them as in his opinion are suitable for appointment to the Service. The names of the officers so selected shall be arranged by the Board in the order of merit with due regard to seniority.

(ii) The list prepared under clause (i) shall be forwarded by the Board to the Administrator and initial appointment to the service shall be made by the Administrator in order of merit of persons included in this list.

PART VII—APPOINTMENT, PROBATION TRAINING AND CONFIRMATION

16. *Appointments.*—All appointments to the Service shall be made to Grade I or Grade II of the Service and not against any specific post included in the Service.

17. *Disqualification.*—No person,---

(a) Who has entered into or contracted a marriage with a person having a spouse living, or

(b) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Administrator may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this rule.

18. *Period of probation.*—(1) Every person appointed under rule 5 or rule 15 to Grade II of the Service shall be on probation for a period of two years.

(2) The Administrator may, in the case of any person for reasons to be recorded in writing extend or reduce the period of probation.

(3) A probationer who has no lien on any post under the Central Government or any State Government or Administration of a Union Territory shall be liable to be discharged from the service at any time without notice if,—

(i) On the basis of his performance or conduct during probation, he is considered unfit for further retention in the Service, or

(ii) If on the receipt of any information relating to his nationality, age or health the appointment authority is satisfied that he is ineligible or otherwise unfit for being a member of the Service.

(4) A probationer who holds a lien on a post under the Central Government or any State Government or Administration of a Union Territory may be reverted to such a post at any time in any of the circumstances specified in sub-rule (3).

(5) A probationer who is not considered suitable for confirmation at the end of the period of probation prescribed in sub-rule (1) or at the end of extended period of probation, if any, under sub-rule (2) shall be discharged or reverted in accordance with sub-rule (3) or sub-rule (1) as the case may be.

19. *Execution of agreement.*—A probationer who is required to undergo training shall on appointment to the Service execute an agreement in the form specified in Schedule III binding himself and one surely, jointly and severally in the event of his failing to comply with any of the provisions of these rules to the satisfaction of the Administrator to refund any money paid to him consequent on his appointment as a probationer.

20. *Training and departmental examination.*—A person appointed under rule 5 or rule 15 of the Service shall undergo such training and pass during the period of probation such departmental examinations as the Administrator may from time to time prescribe:

Provided that the Administrator may, subject to such conditions as he may impose and having regard to the past service, experience or academic qualifications, exempt any person appointed under clause (b) of sub-rule (1) of rule 5 or rule 15, either wholly or partly, from any training or departmental examination.

21. *Confirmation in Service.*—A person who has been declared to have satisfactorily completed the period of probation may be confirmed in the Service.

PART VIII—OFFICIATING APPOINTMENTS

22. *Selection for officiating appointments.*—If at any time, the Administrator is of opinion that the number of officers available in the list referred to in sub-rule (3) of rule 19 for appointment to duty posts is not adequate having regard to the vacancies in such posts, he may direct the Board to consider the case of officers who have officiated for a period of not less than three years in any of the posts

mentioned in Schedule II, and prepare a separate list of officers selected. The selection for inclusion in the list shall be based on merit and suitability in all respects for officiating appointments to duty posts with due regard to seniority. The provisions of sub-rule (2) and (3) of rule 13 shall apply *mutatis mutandis* in the preparation of the list under this rule.

23. *Officiating appointments to duty posts of the Service*—(1) If a member of the service is not available for holding a duty post, the post may be filled on an officiating basis—

- (a) by the appointment of an officer included in the list referred to in sub-rule (3) of rule 13, or
- (b) if no such officer is available, by the appointment of an officer including in the list prepared under rule 22.

(2) Notwithstanding anything contained in these rules, where appointment to duty post is to be made purely as a local arrangement for a period not exceeding six months, such appointment may be made by the Administrator from persons who are included in the list prepared under sub-rule (3) of rule 13 or rule 22 or who are eligible for inclusion in such a list.

(3) Any appointment made under sub-rule (2) shall be reported by the Administrator to the Board forthwith.

PART IX—MISCELLANEOUS

24. *Posting of members of the Service*.—Every member of the service shall, unless he is appointed to an ex-cadre post, or is otherwise not available for holding a duty post owing to the exigencies of public service, be posted against a duty post under the Government of Mysore by the Administrator.

25. *Duty post to be held by a member of the Service*.—Every duty post shall be held by a member of the Service or an officer appointed to officiate under Part VIII of these rules;

Provided that a duty post may also be held by an officer in the junior scale of the Indian Administrative Service cadre of the Union Territories.

26. *Seniority*.—The Administrator shall prepare a list of members of the Service arranged in order of seniority as determined in the manner specified below :—

- (i) (a) persons recruited on the results of the competitive examination in any year shall be ranked *inter se* in the order of merit in which they are placed at the competitive examination on the results of which they are recruited, those recruited on the basis of an earlier examination being ranked senior to those recruited on the basis of later examination;
- (b) the relative seniority *inter se* of persons recruited by selection shall be determined on the basis of the order in which their names are arranged in the list prepared under rule 13 those recruited on the basis of an earlier selection being ranked senior to those recruited, on the basis of a later selection;
- (ii) The seniority of members of the Service appointed at the initial constitution of the service in accordance with the provisions of Part VI of these rules, shall be determined by the Administrator in consultation with the Board due regard being had to the nature and responsibilities of the posts previously held by them under the Governments concerned, the scale of pay attached to the posts, and the length of service rendered by them therein :

Provided that in the case of persons appointed under sub-rule (1) of the rule 13, if two or more persons belonging to the same parent Service or Department are thus appointed, they shall be ranked *inter se* in the order of their relative seniority in the present Service or Department, as the case may be.

- (iii) The relative seniority of direct recruits and of promoted shall be determined according to the rotation of vacancies between direct recruits and promoted which shall be based on the quotas of vacancies reserved for direct recruitment and promotion under rule 5.

27. *Pay and allowances*.—(1) The scales of pay attached to the Service shall be as follows :—

- (i) Grade I (Selection Grade) · Rs 1200-50-1600
- (ii) Grade II (Time Scale) · Rs 650-30-740-35-810-EB-35-880-40-1000-EB-40-1200

(2) A person recruited on the results of competitive examination shall, on appointment to the Service, draw pay at the minimum of the time scale;

Provided that if he holds a permanent post, other than a tenure post in a substantive capacity prior to his appointment to the Service, his pay during the period of his probation in the Service shall be regulated under the provisions of Fundamental Rule 22 B(1). The pay and increments in the case of other persons appointed to the Service shall be regulated in accordance with the Fundamental Rules.

Provided further that it shall be open to the President to determine the pay of any member of the service in such manner as the President deems fit if the special circumstances of his case so require.

(3) Dearness and other allowances shall be paid to persons holding duty posts at such rates as may be determined by the President from time to time.

28. *Appointments to Selection Grade.*—(1) Appointments of members of the Service to the selection Grade shall be made in consultation with the Board on the basis of merit with due regard to seniority.

(2) An officer with a minimum of 12 years service in Grade II shall be eligible for being considered for appointment to the Selection Grade :

Provided that service in a duty post or an equivalent or higher post under the Central Government/Government of Mizoram or in a State Civil Service shall count towards the twelve-years period.

Provided also that where a person is considered for such appointment all persons senior to him in Grade II shall also be considered irrespective of the fact whether or not they fulfil the requirement as to the minimum of 12 years service.

29. *Regulations.*—The Administrator may make regulations not inconsistent with these rules, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to these rules.

30. *Residuary matters.*—In regard to matters not specifically covered by these rules or by regulations or orders issued thereunder or by special orders, the members of the service shall be governed by the rules, regulations and orders applicable to corresponding officers serving in connection with the affairs of the Union.

Provided that any power exercisable by the Central Government under such rules, regulation and orders may be delegated by it to the Administrator subject to such conditions as it may prescribe.

31. *Interpretation.*—If any question arises as to the interpretation of these rules, the same shall be decided by the Central Government.

PART X—TRANSITIONAL ARRANGEMENTS

32. *Transitional provision.*—(1) On and after the commencement of these rules and until persons are appointed to hold the duty posts in accordance with the provisions of these rules such posts may continue to be held by officers who are holding such posts at the commencement of these rules as if these rules have not come into force.

(2) This rule shall cease to be in force after a period of two years from the date of commencement of these rules.

33. *Power to relax.*—Where the Administrator is of the opinion that it is necessary or expedient so, to do it may, by order, for reasons to be recorded in writing and in consultation with the Board, relax any of the provisions of these rules with respect to any class or category of persons.

34. *Saving.*—Nothing in these rules shall affect reservations and other concessions required to be provided for the Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

SCHEDULE I

(See rules 4 and 15)

The authorised permanent strength of the Service and particulars of posts included in it are as follows:—

1. Specific posts under the Government of Mizoram	.	.	.	.	.	36
2. Deputation, leave and Training Reserves	.	.	.	.	.	12
						48

The above figures include the following posts :

1. Director, Settlement and Land Records	.	.	.	.	.	1
2. Director, Community Development	.	.	.	.	.	1
3. Deputy Secretary	.	.	.	.	.	2
4. Additional Deputy Commissioner	.	.	.	.	.	1

5. Under Secretary	8
6 Sub-Divisional Officer	9
7. Ex tra Assistant Commissioner	5
8. Deputy Director of Supply & Transport	2
9. District Civil Supply Officer	2
10 Settlement Officer	1
11. Assistant Settlement Officer, Grade I	2
12. Deputy Director, Community Development	1
13. Deputy Chief Electoral Officer	1
TOTAL	36(A)
II. Reserves :	
1. Deputation Reserve at 10% of 36	4
2. Leave Reserve at 10% of 36	4
3. Training Reserve at 10% of 36	4
TOTAL	12(B)
Grand Total of (A) and (B)	48

SCHEDULE II

(See rules 5 and 22)

1. Sub-Divisional Planning Officer
2. Assistant Development Commissioner
3. Administrative Officer (Gazetted)
4. Sub-Deputy Magistrate
5. Circle Officer
6. Block Developoment Officer
7. Private Secretary to Chief Minister
8. Election Officer
9. Assistant Settlement Officer, Grade II
10. Superintendent of Jail.

SCHEDULE III

(See rule 19)

The Administrator of the Union Territory of Mizoram, Whereas I, a probationer in the Mizoram Civil Service (hereinafter referred to as 'the probationer') being entitled to receive from the Administrator pay and allowances during the period in which I am under training.

Now, we the probationer and £ (hereinafter referred to as 'the surety') jointly and severally do hereby promise and agree in the event of the failure of the probationer to complete probation to the satisfaction of the Administrator to refund to the Administrator on demand any moneys paid to him including the pay and travelling expenses to join the appointment.

The surety hereby agrees that his liability hereunder shall not be affected by the Administrator extending the period of probation or giving the probationer an extension of time for payment of or compounding the amount payable hereunder.

Dated this day of 19

Signature of Probationer

Signed by the Probationer in the presence of

Name of witness

Address

Occupation

Signature of the surety

Signed by the surety in the presence of

Name of witness

Address

Occupation

I, whose signature is appended to the above agreement, as surety do hereby declare that I am

@(a) in the permanent service of the Government

or

@(b) Ordinarily resident in India and that I possess means which will enable me to repay to the Administrator the sums of money referred to, in the event of my being called upon to do so in accordance with the terms of the agreement.

Signature of the surety

Signed by the surety in the presence of

Name of witness

Address

Occupation

*The full name and address of the probationer should be inserted.

£The surety is requested to insert his full name and address and occupation.

@One of these should be struck out.

[No. F.U. 14012/7/77-UTS]

M. L. KAMPANI,

Jt. Secy.

महा प्रबन्धक, भारत सरकार मुद्रणालय, मिन्टो रोड, नई विल्ली द्वारा
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